

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

EDWARD DEAN HOHNER, pro se,

Plaintiff

v.

U.S. DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
8701 Morrisette Drive
Springfield, Virginia 22153-1080

and

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
170 Marcel Drive
Winchester, Virginia 22602-4843

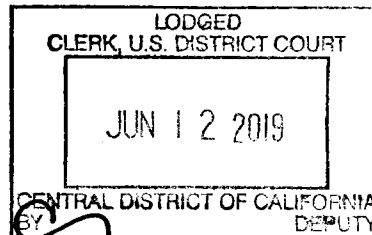
and

U.S. DEPARTMENT OF JUSTICE
U.S. IMMIGRATION AND CUSTOMS SERVICE
500 12TH Street, SW, Stop 5009
Washington, D.C. 20536-5009

Defendants.

CV 19-5100

RECEIVED
6-10-19 CJ



COMPLAINT FOR RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. §552, for injunction and other appropriate relief and seeking the disclosure and release of agency records improperly withheld from plaintiff by defendant U.S. Department of Justice ("DOJ") and its components Drug Enforcement Administration ("DEA"), Federal Bureau of Investigation ("FBI"), and Immigration and Customs Enforcement ("ICE").

JURISDICTION AND VENUE

2. This court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. §552(a)(4)(B). This court has jurisdiction over this action pursuant to 28 U.S.C. §1331. Venue lies in this district under 5 U.S.C. §552(a)(4)(B).

**GOVERNMENT AGENCIES' FBI, DEA, AND ICE FAILED TO RELEASE DOCUMENTS
PERTAINING TO EXPOSED INFORMANT ERIC JUSTON HAMILTON**

8. One instance is where HAMILTON testifies at the trial of HOHNER that his decision to cooperate was due to sentence consideration. (see original HAMILTON FOIA's, exhibits "A", page 20, Trial Transcript of HOHNER, VOL. 4, SCD216918, Page 517)

MR. MILLER: "AND BASICALLY, YOUR DECISION TO SHARE INFORMATION AND BASICALLY POINT A FINGER AT MR. HOHNER WAS SO THAT YOU COULD GET SENTENCING CONSIDERATION IN YOU FELONY ARREST, CORRECT?"

HAMILTON: "THAT WAS A BIG PART OF IT." (Id.)

9. Another instance where the government failed to release documents pertaining to HAMILTON's sentence consideration, is when HAMILTON testifies that he was sentenced to probation for the offense of POSSESSION WITH INTENT.

HAMILTON: "YEAH, I WENT TO PRISON FOR ONE OF THEM."

MR. MILLER: "FOR WHICH ONE? THE OBSTRUCTION OF JUSTICE?"

HAMILTON: "NO. THAT WAS PROBATION...."(Id.)

10. There are no records of sentence consideration for the OBSTRUCTION OF JUSTICE or the POSSESSION WITH INTENT in the discovery of STATE OF CALIFORNIA V. HOHNER, SCD216918.

**PLAINTIFF SENT A FOIA REQUEST TO THE DEA SEEKING DOCUMENTS PERTAINING TO
EXPOSED INFORMANT ERIC JUSTON HAMILTON**

11. On or about February 18, 2019, plaintiff sent a FOIA request to the DEA requesting any and all information pertaining to paid government informant HAMILTON, who was exposed as an informant in HOHNER's trial. (see original FOIA)

12. On or about March 03, 2019, plaintiff received a response dated February 28, 2019 assigned Case No. 19-00372-F from the DEA neither confirming nor denying the existence of the requested records of HAMILTON.

1 13. On or about March 17, 2019, plaintiff sent a FOIA Appeal for Case No. 19-00372-F under the
2 Freedom of Information Act to the Director, Office of Information Policy ("OIP").
3

4 14. On or about May 03, 2019, plaintiff received a response for Case No. 19-00372-F from the OIP dated
5 April 29, 2019, which assigned Appeal No. DOJ-AP-2019-003437. In this response the OIP affirmed the DEA's
6 action on the original FOIA request.
7

8 15. On or about May 10, 2019, Plaintiff received a duplicate response for Case No. 19-00372-F from the
9 OIP dated April 29, 2019, which assigned Appeal No. DOJ-AP-2019-003437. Once again, in this response, OIP
10 affirmed the DEA's action on the original FOIA request.
11

12 16. Plaintiff has exhausted the applicable administrative remedies with respect to the FOIA request sent
13 to the DEA.
14

15 17. DEA has wrongfully withheld the requested records from plaintiff.
16

17 **PLAINTIFF SENT A FOIA REQUEST TO THE FBI SEEKING DOCUMENTS PERTAINING TO**
18 **EXPOSED INFORMANT ERIC JUSTON HAMILTON**

19 18. On or about February 18, 2019, plaintiff sent a FOIA request to the FBI requesting any and all
20 information pertaining to paid government informant HAMILTON, who was exposed as an informant in
21 HOHNER's trial. (see original FOIA)
22

23 19. On or about March 12, 2019, plaintiff received a response dated March 07, 2019, assigned Case No.
24 1430298-000 from the FBI neither confirming nor denying the existence of the requested records of
25 HAMILTON.
26

27 20. On or about March 17, 2019, plaintiff sent a FOIA Appeal for Case No. 1430298-000 under the
28 Freedom of Information Act to the Director, OIP.

1 21. On or about May 28, 2019, plaintiff received a response for Case No. 1430298-000 from the OIP
2 dated May 21, 2019, which assigned Appeal No. DOJ-AP-2019-003439. In this response the OIP affirmed the
3 FBI's action on the original FOIA request.

4
5 22. Plaintiff has exhausted the applicable administrative remedies with respect to the FOIA request sent
6 to the FBI.

7
8 23. The FBI has wrongfully withheld the requested records from plaintiff.

9
10 **PLAINTIFF SENT A FOIA REQUEST TO ICE SEEKING DOCUMENTS PERTAINING TO**
11 **EXPOSED INFORMANT ERIC JUSTON HAMILTON**

12 24. On or about February 18, 2019, plaintiff sent a FOIA request to the ICE requesting any and all
13 information pertaining to paid government informant HAMILTON, who was exposed as an informant in the trial
14 of HOHNER. (see original FOIA)

15 25. On or about April 08, 2019, plaintiff received a response dated March 07, 2019 assigned Case No.
16 2019-ICFO-29921 from ICE neither confirming nor denying the existence of the requested records of
17 HAMILTON.

18
19 26. On or about March 17, 2019, plaintiff sent a FOIA Appeal for Case No. 2019-ICFO-29921 under the
20 Freedom of Information Act to ICE, Office of the Principle Legal Advisor.

21
22 27. On or about April 26, 2019, plaintiff received a response for Case No. 2019-ICFO-29921, from the
23 ICE, Office of the Principle Legal Advisor, dated April 26, 2019, which assigned Appeal No. 2019-ICAP-00328.
24 In this response the Office of the Principle Legal Advisor stated that due to the high number of FOIA/PA requests
25 and backlog, they will make every effort to process the appeal on a timely bases.

26
27 28. On or about May 31, 2019, plaintiff received a response for Appeal No. 2019-ICAP-00328 from the
28 ICE, Office of the Principle Legal Advisor, dated May 21, 2019. In this response the ICE, Office of the Principle

1 Legal Advisor affirmed the ICE's action on the original FOIA request.

2
3 29. Plaintiff has exhausted the applicable administrative remedies with respect to the FOIA request sent
4 to the ICE.

5
6 30. The ICE has wrongfully withheld the requested records from plaintiff.

7
8 **GOVERNMENT AGENCIES' FBI, DEA AND ICE FAILED TO RELEASE DOCUMENTS**
9 **PERTAINING TO EXPOSED INFORMANT ARTHUR CAMARENA**

10 31. An instance where the government failed to release documents pertaining to CAMARENA is when
11 CAMARENA was released from jail to attend his grandmother's funeral, even though he was in jail on a warrant
12 for Failure to report to the Probation Officer. (see original CAMARENA FOIAs, exhibits "K" and "L")

13 32. These documents were hidden from HOHNER and not released in the discovery by the prosecution
14 and government.

15
16 33. HOHNER discovered the hidden documents by writing the San Diego Court and asking for the
17 Criminal Minutes for CAMARENA, Case No. SCN012984. The San Diego Court provided the documents that
18 showed CAMARENA was released from county jail even though he was in jail on a warrant for Failure to report
19 to the Probation Officer. (Id., exhibit "K" and "L")

20
21 **PLAINTIFF SENT A FOIA REQUEST TO DEA SEEKING DOCUMENTS PERTAINING**
22 **EXPOSED INFORMANT ARTHUR CAMARENA**

23 34. On or about February 18, 2019, plaintiff sent a FOIA request to the DEA requesting any and all
24 information pertaining to cooperating government informant CAMARENA. (see original FOIA)

25
26 35. On or about March 05, 2019, plaintiff received a response dated February 28, 2019 assigned Case No.
27 19-00363-F from the DEA neither confirming nor denying the existence of the requested records of
28 CAMARENA.

1 36. On or about March 17, 2019, plaintiff sent a FOIA Appeal for Case No. 19-00363-F under the
2 Freedom of Information Act to the Director, OIP.

3
4 37. On or about May 03, 2019, plaintiff received a response for Case No. 19-00363-F from the OIP dated
5 April 26, 2019, which assigned Appeal No. DOJ-AP-2019-003436. In this response the OIP affirmed the DEA's
6 action on the original FOIA request.

7
8 38. Plaintiff has exhausted the applicable administrative remedies with respect to the FOIA request sent
9 to the DEA.

10
11 39. The DEA has wrongfully withheld the requested records from plaintiff.

12
13 **PLAINTIFF SENT A FOIA REQUEST TO FBI SEEKING DOCUMENTS PERTAINING TO**
14 **EXPOSED INFORMANT ARTHUR CAMARENA**

15 40. On or about February 18, 2019, plaintiff sent a FOIA request to the FBI requesting any and all
16 information pertaining to government informant CAMARENA, who was exposed as an informant in the trial of
17 HOHNER. (see original FOIA)

18
19 41. On or about March 08, 2019, plaintiff received a response dated March 01, 2019 assigned Case No.:
20 1429924-000 from the FBI neither confirming nor denying the existence of the requested record of
21 CAMARENA.

22
23 42. On or about March 17, 2019, plaintiff sent a FOIA Appeal for Case No. 1429924-000 under the
24 Freedom of Information Act to the Director, OIP.

25
26 43. On or about May 28, 2019, plaintiff received a response for Case No. 1429924-000 from the OIP
27 dated May 21, 2019, which assigned Appeal No. DOJ-AP-2019-003438. In this response the OIP affirmed the
28 FBI's action on the original FOIA request.

1 44. Plaintiff has exhausted the applicable administrative remedies with respect to the FOIA request sent
2 to FBI.

3
4 45. FBI has wrongfully withheld the requested records from plaintiff.

5
6 **PLAINTIFF SENT A FOIA REQUEST TO ICE SEEKING DOCUMENTS PERTAINING TO**
7 **EXPOSED INFORMANT ARTHUR CAMARENA**

8 46. On or about February 18, 2019, plaintiff sent a FOIA request to ICE, requesting any and all
9 information pertaining to government informant CAMARENA, who was exposed as an informant in the trial of
10 HOHNER. (see original FOIA)

11 47. On or about March 29, 2019, plaintiff received a response dated March 07, 2019 assigned Case No.:
12 2019-ICFO-29950 from ICE neither confirming nor denying the existence of the requested records of
13 CAMARENA.

14
15 48. On or about March 14, 2019, plaintiff sent a FOIA Appeal for Case No. 2019-ICFO-29950 under the
16 Freedom of Information Act to ICE, Office of the Principle Legal Advisor.

17
18 49. On or about May 13, 2019, plaintiff received a response for Case No. 2019-ICFO-29950 under the
19 ICE, Office of the Principle Legal Advisor dated April 30, 2019, which assigned Appeal No. 2019-ICAP-00340.
20 In this response the Office of the Principle Legal Advisor stated that due to the high number of FOIA/PA requests
21 and backlog, they will make every effort to process the appeal on a timely basis.

22
23 50. On or about June 05, 2019, plaintiff received a response for Appeal No. 2019-ICAP-00340 from the
24 ICE, Office of the Principle Legal Advisor, dated May 28, 2019. In this response the ICE, Office of the Principle
25 Legal Advisor affirmed the ICE's action on the original FOIA request.

26
27 51. Plaintiff has exhausted the applicable administrative remedies with respect to the FOIA request sent
28

1 to ICE.

2 52. ICE has wrongfully withheld the requested records from plaintiff.

3 4 CONCLUSION

5 53. Eric Juston HAMILTON is a paid government, confidential informant that was exposed during the
6 trial of Edward Dean HOHNER, Case No. SCD216918. (see original HAMILTON FOIA's, exhibits "B", TRIAL
7 TRANSCRIPT of Edward Dean HOHNER, Case No. SCD216918, VOL. 4, Page(s) 503-519, Testimony of Eric
8 Juston Hamilton) (see original HAMILTON FOIA's, exhibits "E", RESPONSE TO MOTION TO COMPEL
9 DISCOVERY, Case No. SCD216918, confirming the IDENTIFICATION OF INFORMANTS) According to
10 §552(c)(2), once an informant has been officially confirmed the government should acknowledge the existence of
11 the informant an move on to the next step and produce a Vaughn index.

12
13 54. Arthur Martinez CAMARENA is a government, confidential informant that was exposed during the
14 trial of Edward Dean HOHNER, Case No. SCD216918. (see original CAMARENA FOIA's, exhibits "G" and
15 "H", TRIAL TRANSCRIPTS of Edward Dean HOHNER, Case No. SCD216918, VOL. 3 & 4, Testimony of
16 CAMARENA) (see original CAMARENA FOIAs, exhibits "F", RESPONSE TO MOTION TO COMPEL
17 DISCOVERY, Case No. SCD216918, confirming the IDENTIFICATION OF INFORMANTS) According to
18 §552(c)(2), once an informant has been officially confirmed the government should acknowledge the existence of
19 the informant an move on to the next step and produce a Vaughn index.

20
21 55. In Trammel v. United States, 445 U.S. 40, 50 (1980) the Supreme Court recognized the fundamental
22 principle that "the public...has a right to every man's evidence. Id At 50. See United States v. Nixon, 418 U.S.
23 683, 709 (1974).

24 / /
/ /

25
26 / /
/ /

27
28 / /
/ /

REQUESTED RELIEF

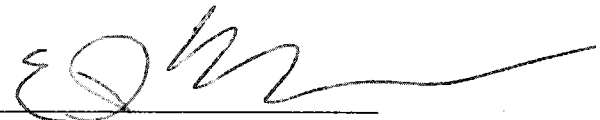
56. WHEREFORE, plaintiff prays that this Court:

- A. order defendants to disclose the requested records in their entireties and make copies available to plaintiff;
- B. order defendants to produce a Vaughn index;
- C. order defendants to submit to an in camera review of the requested documents so the court can determine whether the documents can be released in whole; or
- D. grant such other relief the court may deem just and proper.

57. Under penalty of perjury, I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief.

DATED: 6-6-19

Respectfully submitted,



EDWARD DEAN HOHNER
Inmate Number: AM-0950
PLEASANT VALLEY STATE PRISON
P.O. BOX 8500 (B5-136)
COALINGA, CA 93210

Edward Dean HOTNER AM-0950
Pleasant Valley State Prison
P.O. Box 8500 (S5-136)
Coalinga CA 93210



7016 3540 0001 1721 6118



Clerk of the Court
U.S. District Court
312 N. Spring St. Room G-8
Los Angeles, CA 90012



Confidential
Legal Mail

THIS MAIL GENERATED FROM
PLEASANT VALLEY STATE PRISON



